

REMARKS

A final Office Action was mailed on May 28, 2004. Claims 1 - 15 are pending in the present application. With this response, Applicant amends claims 1, 5 and 9. No new matter is introduced. Support for the amendments may be found, for example, at page 3, lines 15 – 23 of Applicants' specification.

REJECTION UNDER 35 U.S.C. § 103

The title of the invention is objected to as being non-descriptive. Applicants amend the title to read “DISK DRIVE APPARATUS HAVING MOVABLY-POSITIONED VIBRATION-ABSORBING MEMBER”, and respectfully request that the objection be withdrawn.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Soga et al. (U.S. Patent 5,737,304) in view of Kiyoshi et al. (Japanese Patent Publication JP 10-208357). Applicants amend claims 1, 5 and 9 to further clarify the nature of their invention, and respectfully traverse this rejection.

In independent claims 1, 5 and 9, Applicants disclose a disk drive apparatus comprising a main apparatus having a frame, a disk tray causing a disk to move between a stored position and a drawn-up position relative to the main apparatus such that the disk tray has one surface on which the disk is placed, a disk rotational drive mechanism rotationally driving the disk and an optical pickup mechanism performing at least one of reading stored information from the disk and writing information onto the disk. A

movable member supporting the disk rotational drive mechanism and the optical pickup mechanism is rotatably supported at one end relative to the frame. An elevator drive mechanism operates to bring the disk rotational drive mechanism and the optical pickup mechanism closer to or farther away from the disk, with the movable member free to rise and fall. A vibration-absorbing member is provided to the other end of the movable member.

When the disk is moved toward the stored position, the elevator drive mechanism moves the other end of the movable member toward the disk tray, thereby causing the vibration-absorbing member to come into contact with another surface of the disk tray. In this manner, vibrations caused by rotations of the disk and/or seeking movements of the optical pickup are absorbed by the vibration-absorbing member.

Soga discloses a disk drive apparatus for driving a CD or CD-ROM (see, e.g., abstract of Soga). A base unit 9 may be rotated about insulators 119 at one end (see, e.g., FIGS. 25-26 of Soga). At the other end of base unit 9, an insulator 123 supports a lever 120 which may be engaged for rotating base unit 9 about insulators 119.

In sharp contrast to Applicants' claimed disk drive apparatus, however, Soga's insulator 123 does not constitute a vibration absorbing member that comes into contact with a second surface of the disk tray when the disk is moved toward the stored position by means of the elevator drive mechanism moving the other end of the movable member toward the disk tray. As illustrated by FIGs. 25 and 26 of Soga, insulator 123 does not come into direct contact with disk tray 2 when tray 2 is moved to a stored position. While it may be argued that fixing screw 122 that holds insulator 123 to base unit 9 makes contact with tray 2, fixing screw 122 cannot reasonably be said to constitute a vibration-absorbing member. Moreover, as is apparent from FIG. 26, when tray 2 is in the stored

position, fixing screw 122 is positioned in a notch 5 of tray 2. As a result, fixing screw 122 actually fails to come into contact with tray 2.

In the present Office Action, the Examiner acknowledges that Soga fails to disclose that base unit 9 (analogized to Applicants' vibration absorbing member) comes into contact with a second surface of the disk tray when the disk is moved to the stored position. The Examiner suggests that this feature is however taught by Kiyoshi (see, e.g., projecting piece 91 as illustrated in the figures and described at paragraphs [0042] and [0043] of Kiyoshi). Applicants respectfully disagree.

Kiyoshi's projecting piece 91 is provided on a top face of inclination-cam-die object 25, which is a fixed member. Thus, unlike the vibration-absorbing member claimed by Applicants, the projecting piece 91 is not provided on a free end of a rotatably movable member, and does not come into contact with a second surface of the disk tray when the disk is moved toward the stored position by means of the elevator drive mechanism moving the other end of the movable member toward the disk tray. Applicants' claimed member provides a significant advantage over the configuration of Kiyoshi by reducing wear in and maintaining the effectiveness of the vibration-absorbing member.

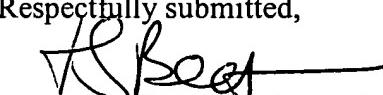
Accordingly, Applicants respectfully submit that independent claims 1, 5 and 9 are made obvious by the combination of Soga and Kiyoshi, and are therefore allowable. As claims 2 – 4, 6 - 8 and 10 – 15 each depend from one of allowable claims 1 5 and 9, Applicants further submit that claims 2 – 4, 6 - 8 and 10 – 15 are allowable for at least this reason.

CONCLUSION

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that claims 1-15, consisting of independent claims 1, 5 and 9, and the claims dependent therefrom, are in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, he or she is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,



Thomas J. Bean
Reg. No. 44,528

CUSTOMER NUMBER 026304

KMZ ROSENMAN
575 MADISON AVENUE
NEW YORK, NEW YORK 10022-2585
PHONE: (212) 940-8800/FAX: (212) 940-8776
DOCKET No.: SCEY 19.080 (100809-16314)